

*Minutes have not yet been approved and are subject to revision at the next meeting.*

## **STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY**

### **MINUTES OF PUBLIC MEETING**

**March 24, 2018**

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Members Present: Elizabeth Straughan, Allison Stone, Melissa Genovese, Sol Magpantay  
Members Absent: Public Member -Vacant  
Staff Present: Loretta L. Ponton, Executive Director,  
Rosalie Bordelove, Deputy Attorney General, Board Counsel  
Sophia Long, Deputy Attorney General  
Public Present: Santilla Terry, Russell E. Marsh, Chrissy Vogeley (by phone)  
Additional attendees on attached list

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#### **Public Hearing - LCB File No. R067-17**

Ms. Loretta Ponton opened the Public Hearing on LCB File No. R067-17 at 11:32 a.m. Ms. Ponton welcomed the individuals present and asked for public comments.

Chuck Willmarth, CAE, Associate Chief Officer, Health Policy and State Affairs, American Occupational Therapy Association introduced himself. Mr. Willmarth stated written comments were submitted to the Board. AOTA has two major concerns, supervision ratios and changes impacting qualifications for licensure and asked the Board to reconsider.

John Whalen, COTA commented on supervision ratios and the impact on placing OTA students and the limitation on supervising family members which would be a hardship for family businesses;  
Yvonne Randall, OTR commented on supervision ratios and submitted written comments;  
Roy Collings, COTA commented on supervision of family members which would be a hardship for small family businesses;  
Paula Cook, commented on supervision ratios and that workload vs caseload should be considered;  
Ian Perry commented that supervision ratios would limit placement opportunities for students;  
Kim Reich commented that caseloads should be considered not numbers when addressing supervision;  
Ann Pena commented on certification requirements, supervisory ratios are arbitrary should not include students and supervision of family members already in place;  
Ashley Fecht, commented she agrees with Chuck Willmarth and that ratios affect fieldwork placements;  
Stacey Sillitoe commented and was in agreement that ratios affect placements for students;  
Sheryll Collings commented that she and her spouse own a small business and the restriction on supervision of family members would be detrimental to their business and potential new small OT practices looking to open in Nevada.

Ms. Ponton closed the Public Hearing at 12:07 p.m.

#### **BOARD MEETING**

Elizabeth Straughan, Chair, called the meeting to order at 12:22 p.m. A roll call confirmed a quorum was present.

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**Public Comments** – Ms. Straughan asked for public comments. No comments.

**Approval of Minutes** - Liz Straughan asked if there were any comments or revisions to the minutes of the meeting of February 15, 2018. Hearing none, called for a motion.

Allison Stone made the motion, seconded by Melissa Genovese to approve the minutes of February 15, 2018 as presented. The motion passed.

**LCB File No. R067-17 - Consideration of Public Comments** - Ms. Straughan called on Loretta Ponton to facilitate.

Loretta Ponton summarized the public comments stating the comments can be categorized into three areas: supervision ratios, supervision of related parties and examination requirements.

Ms. Ponton provided a written response and analysis of the AOTA written comments addressing the items contained in the AOTA letter.

Ms. Ponton stated that based on the concerns heard at the public hearing and the written comments received, it is recommended the Board consider removing from Section 24, paragraphs 4 through 6 relating to supervision ratios and related party supervision restrictions; and revise Section 9 to retain the existing language in paragraph 2, and add a new paragraph 3. to include the passage of the Nevada Jurisprudence Exam.

Liz Straughan asked each member for comments regarding the proposed revision to LCB File No. R067-17. All members responded positively to the revisions to the regulation. Liz Straughan stated that additional consideration of the issues relating to supervision is warranted and that the Board would hold additional workshops regarding this matter, requesting the public to attend and provide more input into strategies to address supervision issues.

**Adoption of LCB File No. R067-17** - Liz Straughan called for a motion.

Allison Stone made the motion, seconded by Sol Magpantay to adopted LCB File No. R067-17 as revised. The motion passed.

**Determination of Eligibility for Reconsideration of Disciplinary Action, Case No. C17-01, Santilla Terry, OTR, License No. 16-0743** - Liz Straughan turned this item over to Sophia Long.

Sophia Long explained the process for reconsideration stating Ms. Terry has filed a motion for reconsideration through her lawyer Russell Marsh. Ms. Long explained pursuant to NRS 622.390 a motion may be based only on one of three basis; newly discovered or available evidence, error in the hearing or in the findings and recommendations or the need in the public interest for further consideration.

Mr. Marsh presented his case and rationale for reconsideration; Ms. Long presented her response. Ms. Terry testified as to her extenuating circumstances.

Board members posed questions to Ms. Long and Ms. Bordelove regarding the original hearing process, and the effect of reconsideration if approved. It was explained that if the Board approves the motion for reconsideration, the matter would be re-heard and the original hearing order would be set aside. The Board would re-hear the case as if the first hearing did not take place, enter a decision and possibly

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impose disciplinary action which could be the same or different from the first hearing's disciplinary actions.

The Board concurred that there was no new or available evidence or error in the first hearing. The members discussed the meaning of "in the public interest".

Liz Straughan called for a motion.

Sol Magpantay made the motion to grant the motion for reconsideration. There was no second. Melissa Genovese made the motion to deny the motion for reconsideration, seconded by Allison Stone. Liz Straughan called for the vote: Melissa Genovese and Allison Stone voting Aye, Sol Magpantay and Liz Straughan voting no. The motion failed, with a tie vote.

Rosalie Bordelove explained that a motion to approve does not mean the Board made an error in the first Hearing. If the members want to hear the "other side of the story" as Ms. Terry was not present to respond at the previous hearing, then a decision that it is in the "interest of the public" to rehear the case would be appropriate.

Allison Stone made a motion to grant the motion for reconsideration, Melissa Genovese seconded the motion. The motion passed unanimously.

Loretta Ponton stated a new hearing date will be established after consultation with legal counsel.

**Disciplinary Hearing or Consent Decree - Case No. C17-04, Rachel Frosburg, OTR,** - Sophia Long requested that this case be continued.

Allison Stone made the motion, seconded by Sol Magpantay to approve continuance of Case No. C17-04. The motion passed.

Liz Straughan recessed the meeting at 1:05 p.m. for lunch.  
The meeting reconvened at 1:55 p.m.; a quorum was confirmed present.

**Nevada Occupational Therapy Association Presentation, QMHP Status** - Paula Cook, NOTA introduced herself and Allison Christoff, Chrissy Vogeley, AOTA, joined the meeting by telephone.

Ms. Cook presented the NOTA efforts to have Occupational Therapists designated as Qualified Mental Health Professionals by Nevada Medicaid, providing extensive information and documentation of the value of occupational therapy in the delivery of mental health services.

Liz Straughan asked what NOTA is requesting of the Board? Will NOTA be pursuing legislation or approaching Nevada Medicaid for changes in their manual? Ms. Cook explained that at this time, they are seeking designation as QMHP's from Medicaid and the addition of occupational therapy as a recognized QMHP in the Medicaid manual to enable billing for mental health services by occupational therapists. The Board is being asked to support their efforts in obtaining QMHP status by providing a letter to NOTA to support their efforts to obtain QMHP status with Medicaid. If they are not successful, they potentially may seek legislative action for such designation.

There was consensus that the Board would support the NOTA efforts with Medicaid; however if legislation is proposed, the matter would be re-considered after further research.

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Liz Straughan called for a motion. Melissa Genovese made the motion, seconded Allison Stone to direct the Executive Director to write a letter in support of the NOTA QMHP initiative with Medicaid. The motion passed.

**Executive Director's Report** - Loretta Ponton directed the members to the written report.

Ms. Ponton requested approval for recruitment and hiring of a Board Investigator to assist in investigations. The number of complaints has increased substantially and have become more complex. The position would be either an employee or independent contract and would be equivalent to a Compliance Investigator II in state service.

Allison Stone made the motion to authorize the Executive Director to hire and/or contract with a qualified investigator to assist with complaint investigations. Melissa Genovese seconded the motion. The motion passed.

Ms. Ponton updated the Board of contracts negotiated with Numbers, Inc. for bookkeeping services, Paula Berkley for legislative services and Kohn & Company LLP for audit services.

Ms. Ponton proposed that the Board Retreat be held at the Carson Valley Inn in Minden, August 10 and August 11, 2018, with a facilitator to assist with the planning session and Board activities. Ms. Ponton suggested that a mock Hearing could be included to assist the members in understanding the hearing process.

Ms. Ponton reported on the completion of the CE Audit of 107 licensees. This was the second CE audit completed this fiscal year.

Complaints - Ms. Ponton reported that eight (8) complaints are in the investigative process.

**Legal Report** - Rosalie Bordelove stated she had no report.

**Report from Board Chair** - Liz Straughan asked members and staff for future agenda items.

Liz Straughan suggested that a review of the regulation for a provisional license, which requires 640 hours supervised experience for a returning OTR who has not practiced for 5 years, would be in order. The 640 hour requirement is more than what is required of a Level II student and a new graduate would have less than 640 hours experience.

The members discussed options to increase participation in the Sponsored Seminars, with suggestions the Las Vegas seminar be held on 2 half-days, employers are reluctant to allow all their OT's to be gone at the same time. Members also suggested additional topics of low vision or hand therapy.

The November meeting date was discussed, with consensus it may be held by teleconference earlier in the week, if necessary.

**Public Comments** – There were no public comments at this time.

**Adjournment** – Liz Straughan adjourned the meeting at 3:35 p.m.

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**Attachments**

Attendee Listing

Public Hearing -Written Comments:

AOTA Letter

Analysis of AOTA Comments

Mary Schmitz, OTD

Yvonne Randall, OTR

Email: Angela Medina

Adopted Revisions to LCB File No. R067-17

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Public Hearing - LCB File No. R067-17 and Board Meeting Public Parties Listing

All Individuals were present for the Public Hearing  
Some Individuals were not present for the entire Board Meeting

PIMA Medical Institute, Occupational Therapy Assistant Program:

Heather Johnson, Occupational Therapist	OTA Program Director
John Whalen, COTA/L	Instructor
Kim Rieck, Occupational Therapist	Instructor
Kyndra Richardson, OTA Student	
Kylara Adettser, OTA Student	
Daisia Amaya, OTA Student	
Stacey Sillitoe, OTA Student	
Ian Perry, OTA Student	
Darlene Hinojosa, OTA Student	
Ann Pena, OTA Student	
Heather Omlin, OTA Student	
Danielle Sales, OTA Student	
Isaac Lee, OTA Student	
Kelly Tengan, OTS Student	
Inna Feldman, OTA Student	

Paula Cook, Occupational Therapist	Nevada Occupational Therapy Association
Allison Christoff, OTD, OTR/L	Nevada Occupational Therapy Association
Chuck Willmarth, CAE, Associate Chief Officer	
Health Policy and State Affairs	American Occupational Therapy Association
Yvonne Randall, Occupational Therapist	Self
Ashley Fecht, OTR/L	Touro University
Joyce Mosely, Occupational Therapist	St. Rose Home Health
Sheryll Collings, Occupational Therapist	Sunrise Hospital / Functional Skills Therapy Services
Roy Collings, COTA/L	Sunrise Hospital / Functional Skills Therapy Services
Allen Espelita, OTR/L	Sunrise Hospital

March 19, 2018

Loretta Ponton  
Executive Director  
Nevada Board of Occupational Therapy  
6160 Mae Anne Avenue  
Reno, NV 89523

**RE: Proposed regulations LCB File No. R067-17**

Dear Ms. Ponton:

The American Occupational Therapy Association (AOTA) is the national professional association representing the interests of more than 213,000 occupational therapists, occupational therapy assistants, and students of occupational therapy, including 256 in Nevada. The practice of occupational therapy is science-driven, evidence-based, and enables people of all ages to live life to its fullest by promoting health and minimizing the functional effects of illness, injury, and disability. AOTA supports the Nevada Board of Occupational Therapy in its mission to protect the health, safety, and welfare of Nevada consumers and the authority of the Board to create regulations to achieve this mission.

On behalf of AOTA, I am writing to express concern over the proposed amendments to the regulations regarding eligibility requirements obtain an active license, specifically the examination requirements, and regarding supervision, specifically the ratio of the maximum number of occupational therapy assistants and aides that can be supervised by an occupational therapist. AOTA is deeply concerned about the proposed change to the licensure requirements to delete language that requires applicants to pass “an examination provided by an agency approved by the Board and replace it with a requirement to pass the Board’s jurisprudence exam. The impact of this change would be to reinforce the Board’s reliance on current certification with the National Board for Certification in Occupational Therapy (NBCOT) as satisfying education, examination and other requirements for occupational therapists and occupational therapy assistants. Additionally this is a requirement that is not required by statute and creates an unnecessary burden for out-of-state licensure applicants. We are also concerned about the proposal to impose a maximum number of occupational therapy assistants and/or aides who may be supervised by an occupational therapist at one time. We urge the Nevada Board of Occupational Therapy to reconsider this proposal. We welcome the opportunity to outline our concerns and to offer alternative proposed language for the Board’s consideration.

AOTA has the following serious concerns about the proposed regulations:

**Current Certification with the National Board for Certification in Occupational Therapy**

AOTA supports the state regulation of the occupational therapy profession and we believe that state regulatory boards have the authority and the responsibility to assess the ongoing qualifications of licensees to practice occupational therapy. By permitting maintenance of

NBCOT certification to fulfill the state's education, experience, and examination requirements, the State is essentially giving regulatory authority to a private entity. AOTA is concerned that by following through with this proposal, legislators may wonder why there is a need for the state to regulate the practice of occupational therapy if a private entity could do the same. We also believe that requiring current certification for out-of-state applicants creates an unnecessary burden for those that have chosen not to maintain optional certification with NBCOT. At a minimum, military spouses should be exempt from this requirement. We believe that providing this exemption would be in line with Executive Order 2012-11 ([http://gov.nv.gov/News-and-Media/Executive-Orders/2012/EO\\_-2012-11---Providing-Reciprocity-for-Military-Spouses-Seeking-Licensure-in-this-State/](http://gov.nv.gov/News-and-Media/Executive-Orders/2012/EO_-2012-11---Providing-Reciprocity-for-Military-Spouses-Seeking-Licensure-in-this-State/)).

We believe that the Board should verify that applicants have completed education, including supervised fieldwork, and examination requirements, including a Nevada Occupational Therapy Jurisprudence Examination, as proposed and currently specified in NAC 640A.041. We are also concerned that requiring current certification with NBCOT would require licensees to comply with NBCOT's certification renewal program. Current regulations do not specify that current certification with NBCOT is NOT required for licensure renewal.

AOTA is concerned that language in the proposed rule is not consistent with the Qualifications for license at NRS 640A.120 (emphasis added):

**NRS 640A.120 Qualifications for license.** Except as otherwise provided in NRS 640A.165 and 640A.166, to be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. Be a natural person of good moral character.
2. Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.
3. Except as otherwise provided in NRS 640A.130, have successfully completed:
  - (a) If the application is for licensing as an occupational therapist, 24 weeks; or
  - (b) If the application is for licensing as an occupational therapy assistant, 16 weeks, of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.
4. **Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.**

While we agree that the Board has the authority to require a jurisprudence exam, we do not believe that the legislative intent for the "examination approved by the Board" was referring to a jurisprudence exam. We believe that the licensure requirements in the Board's regulations should be consistent with the statute.



The qualifications for licensure in the Occupational Therapy Practice Act do not require current certification with the National Board for Certification in Occupational Therapy, but rather passage of an exam approved by the Board. We are concerned that this current requirement exceeds the education and examination requirements specified in statute. We are also concerned that this provision could be interpreted to mean that all licensees must comply with NBCOT's Certification Renewal Requirements (for more information, visit <https://www.nbcot.org/Certificants/Certification>).

We are also concerned that tying current certification with NBCOT to reinstatement of an expired license would have the same effect as described above. We believe that amending NAC 640A.055 to require proof of initial licensure is sufficient for a licensee to demonstrate that at one time met the qualifications for certification with NBCOT and passed the examination.

Additionally, the terms occupational therapist registered and certified occupational therapist assistant are copyrighted by NBCOT and should be struck from the Board's regulations wherever they occur. The Board's purview is over the license and whether or not an individual is fit, through education and experience, to be issued a license. The OTR and COTA credential are not issued by the Board of Occupational Therapy. Referencing either in the regulations of the Board which does not have purview over them is unnecessary and conflates the role of both the Board and NBCOT.

### **Supervision Ratios**

The other issue which AOTA is deeply concerned about is related to the proposed limitation in NAC 640A.260 imposing supervision limitations on occupational therapists, specifically the number of occupational therapy assistants and aides which an occupational therapist may be allowed to supervise at any one time. AOTA's *Guidelines for Supervision, Roles, and Responsibilities During the Delivery of Occupational Therapy Services* states:

Occupational therapy assistants deliver occupational therapy services under the supervision of and in partnership with occupational therapists. Occupational therapists and occupational therapy assistants are equally responsible for developing a collaborative plan for supervision. The occupational therapist is ultimately responsible for the implementation of appropriate supervision, but the occupational therapy assistant also has a responsibility to seek and obtain appropriate supervision to ensure proper occupational therapy is being provided.

The specific frequency, methods, and content of supervision may vary and are dependent on the

- a. Complexity of client needs,
- b. Number and diversity of clients,
- c. Knowledge and skill level of the occupational therapist and the occupational therapy assistant,
- d. Type of practice setting,
- e. Requirements of the practice setting, and
- f. Other regulatory requirements.

Supervision of the occupational therapy assistant that is more frequent than the minimum level required by the practice setting or regulatory requirements may be necessary when

- a. The needs of the client and the occupational therapy process are complex and changing,
- b. The practice setting provides occupational therapy services to a large number of clients with diverse needs, or
- c. The occupational therapist and occupational therapy assistant determine that additional supervision is necessary to ensure safe and effective delivery of occupational therapy services.

From our perspective, an arbitrary supervision ratio ignores all of these factors and denies occupational therapists and occupational therapy assistants the ability to apply clinical reasoning and judgement. We believe that this rule will ultimately limit access to occupational therapy services, especially in rural areas. This will also mean limited opportunities for occupational therapy assistants and will drive up costs for employers.

The proposal also states that “a treating occupational therapist may not have more than five combined occupational therapy assistants, provisional license students, aides or technicians under his or her supervision at any one time.” We believe that this limitation will make it even more difficult to find fieldwork placement sites for both OT and OTA students.

AOTA believes that it is incumbent upon the occupational therapist to determine the appropriate number of supervisees to whom he or she can provide adequate, high-quality supervision. This may mean that an occupational therapist supervises three occupational therapy assistants or it could mean that he or she supervises more or less. It is a determination that the occupational therapist should make in collaboration with the occupational therapy assistant, weighing the factors listed above.

### **AOTA Proposed Amendments**

Again, AOTA appreciates the opportunity to outline our concerns to the Board. We would also like to offer an alternative proposal for the Board’s consideration. We propose amending the **current** provisions of NAC 640A.041 as follows:

#### **NAC 640A.041 Eligibility to obtain active license.**

In addition to the requirements set forth in NAC 640A.030, to be eligible to obtain an active license, a person must:

1. Have graduated from:
  - (a) An educational program which is accredited by an agency approved by the Board and which includes a fieldwork program; or
  - (b) An educational program in another country;
2. Have achieved a passing score on an examination provided by an agency approved by the Board; and

3. **Have achieved a passing score on the Nevada Occupational Therapy Jurisprudence Examination** Have current certification as an occupational therapist registered or certified occupational therapy assistant.

**NAC 640A.055 Reinstatement of expired active license.**

1. An active license that has expired may be reinstated within 5 years of its expiration.
2. In addition to any other applicable requirements set forth in NAC 640A.030, to reinstate an expired active license, a person must:
  - (a) Provide proof of **initial** certification as an occupational therapist registered or certified occupational therapy assistant;
  - (b) Provide proof of the completion of 12 hours of continuing education within the year immediately preceding the request for reinstatement; and
  - (c) For the reinstatement of an expired active license as an occupational therapy assistant, submit proof of employment and supervision by a licensed occupational therapist upon reinstatement of the license.

**NAC 640A.260 Supervision and employment of occupational therapy assistant: Verification; notice of termination.**

1. An occupational therapy assistant shall submit verification of his or her employment and supervision by a licensed occupational therapist to the Board within 30 days after a change in the employment or supervision. The verification must be submitted on a form approved by the Board.
2. An occupational therapist who is licensed by the Board shall notify the Board within 30 days after the termination of his or her supervision of an occupational therapy assistant.

**3. It is the responsibility of the occupational therapist and the occupational therapy assistant to seek the appropriate quality and frequency of supervision to ensure safe and effective occupational therapy service delivery.**

**4. The specific frequency, methods, and content of supervision may vary by practice setting and are dependent upon the**

**(a) complexity of client needs;**

**(b) number and diversity of clients;**

**(c) skills of the occupational therapist and the occupational therapy assistant;**

**(d) type of practice setting;**

**(e) requirements of the practice setting; and**

**(f) other regulatory requirements.**

**5. Occupational therapists and occupational therapy assistants must document a supervision plan and supervision contacts. Documentation should include the**

**(a) frequency of supervisory contact;**

**(2) method(s) or type(s) of supervision;**

**(3) content areas addressed; and**

**(4) names and credentials of the persons participating in the supervisory process.**

We further request that proposed amendments to establish supervision ratios at NAC 640A.260 (4) and NAC 640A.260 (5) be withdrawn.

Thank you for the opportunity to comment on the proposed changes and I look forward to discussing the proposed changes at the public hearing on Saturday, March 24. Please contact us at [cwillmarth@aota.org](mailto:cwillmarth@aota.org) or 240-482-4133 and [kneville@aota.org](mailto:kneville@aota.org) or 240-800-5981 if you have questions or need additional information about AOTA's position.

Sincerely,



Chuck Willmarth, CAE  
Associate Chief Officer,  
Health Policy and State Affairs



Kristen Neville  
Manager, State Affairs

cc: Lacey Bukoskey, President, Nevada Occupational Therapy Association

Enclosure:

*Guidelines for Supervision, Roles, and Responsibilities During the Delivery of Occupational Therapy Services.* American Journal of Occupational Therapy, November/December 2014, Vol. 68, S16-S22. doi:10.5014/ajot.2014.686S03



Brian Sandoval  
Governor

STATE OF NEVADA  
**BOARD OF OCCUPATIONAL THERAPY**

P.O. BOX 34779  
Reno, Nevada 89533-4779  
Phone: (775) 746-4101 / Fax: (775) 746-4105 / Toll Free: (800) 431-2659  
Email: [board@nvot.org](mailto:board@nvot.org) / Website: [www.nvot.org](http://www.nvot.org)

Loretta L. Ponton  
Executive Director

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## CONSIDERATION OF PUBLIC COMMENTS

### Analysis of AOTA Comments

#### **Current Certification with the National Board for Certification in Occupational Therapy**

NBCOT Certification is required for initial licensure and reinstatement of a license and is only one of many requirements for licensure.

Rationale: Initial Licensure - NBCOT Board designated examination; and ensures CE's have been obtained within the previous 3 years.

Out of State Applicants: Does not constitute an unnecessary burden; expedited license by endorsement is already available.

Current Certification IS NOT required for renewal of any license in Nevada; there is no regulation that requires certification to be renewed.

#### **Comments throughout regarding Consistency with Nevada Law**

All proposed regulations go through a stringent legal review process by the **Nevada Legislative Counsel Bureau** who draft the proposed regulatory language in accordance with law, legal authority contained in the Nevada Revised Statutes. An interpretation of legislative intent is within the scope of the LCB review.

Terms "occupational therapist registered" and "certified occupational therapy assistant" are only utilized when referencing NBCOT certification.

#### **Supervision Ratios**

Students are not governed by the Board; reference to "students" in Sec 24 will be recommended for deletion. By making this revision, fieldwork supervision will not count toward the total supervision ratios.

The intervention of employers in requiring OT's to supervise an unreasonable number of individuals "assigned" by the employer is the driving factor in the establishment of supervision ratios. It was the OT's themselves that came to the Board asking for assistance in this area.

## **AOTA PROPOSED AMENDMENTS**

NAC 640A.041 - AOTA proposes to retain current language regarding examinations approved by the Board, remove certification requirements; and agrees with the addition of the jurisprudence exam.

### **Recommendations:**

- Retain current language “an examination provided by an agency approved by the Board”;
- Add a separate paragraph to include the requirement for the Nevada Occupational Therapy Jurisprudence exam; and
- Retain the requirements for certification.

NAC 640A.055 - AOTA proposes to remove current certification for reinstatement; and provide only proof of initial certification if reinstating a license.

### **Recommendation:**

- Retain existing language - no revisions.

NAC 640A.260 - AOTA proposes to expand the language on Supervision to mirror AOTA supervisory language and to withdraw or eliminate all proposed amendments to establish supervision ratios in paragraphs (4) and (5) of the proposed regulation.

### **Recommendation:**

- Retain current language as written, reject AOTA proposed language additions;
- Retain all proposed revisions to NAC 640A.260 (4);
- Remove reference to “students” in paragraph (5).

***Recommended Proposed Revisions to LCB File No. R067-17 are Provided***

**Loretta Ponton**

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**From:** Mary <marypediatricot@gmail.com>  
**Sent:** Saturday, March 24, 2018 12:08 PM  
**To:** Loretta Ponton  
**Subject:** Workload vs caseload OTA Supervision

03/24/18

Attention:  
State of Nevada Occupational Therapy Licensure Board,

As an Occupational Therapist (OT) for thirty two years, I have had both the pleasure and the challenge of Occupational Therapy Assistant (OTA) supervision responsibilities. Many times in addressing supervision guidelines, the focus has been on the caseload of the OTA in numbers, but not always taking into account the acuity nor complexity of the clients that not only the OTA has, but also that of the OT. Therefore, my concern with guidelines for supervision is in setting an arbitrary number as the cap for supervision would not take into account the fluctuations that naturally occur in caseload acuity for both practitioners. In other states a workload rather than caseload volume has been developed. I was unable to access such percentages prior to the Board meeting on 03/24/18, but believe that the recommended amendments to the NV OT Licensure are not sufficient in its revised form and request further examination of options rather than adoption at this time.

Regards,  
Mary Schmitz, OTD, OT/L  
State of NV OT License #17-0888

Sent from my iPhone

Yvonne M. Randall, EdD, OTR/L, FAOTA  
6576 Appletree Circle  
Las Vegas, NV 89103  
Nevada OT License # 0226  
March 22, 2018

Loretta Ponton  
Executive Director  
Nevada Board of Occupational Therapy  
6160 Mae Anne Avenue  
Reno, NV 89523

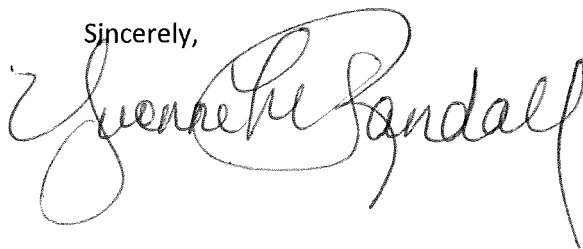
Dear Ms. Ponton,

I write as a concerned and long-time Nevada licensee regarding the proposed changes to the Nevada Occupational Therapy Licensure Board regulations.

The issue of supervision ratios has been debated in other states over the years and found to be unsubstantiated. Occupational therapists and occupational therapy assistants are certified and licensed practitioners who work in a collaborative manner for the best treatment of their clients. Supervision is determined based upon a number of factors including the acuity level of the client, the work setting, and the skills of the practitioner(s). Placement of an arbitrary number upon an occupational therapist license for how many occupational therapy assistants, aides, and students could be supervised is in contrast to clinical judgment and reasoning occupational therapy practitioners employ each day. My concern as a practitioner and educator grows even further as additional academic environments enter Nevada to offer education opportunities to our future practitioners and our current licensed practitioners are unable to provide the critical supervision required for the students to complete their educational process. I am also concerned that this provision could potentially have a negative effect on the workforce aspect of our occupational therapy assistants with employers opting to limit the hiring of occupational therapy assistants because of tracking supervision numbers and future reimbursement elements.

Thank you for consideration of this letter and its contents.

Sincerely,

A handwritten signature in black ink, appearing to read "Yvonne M. Randall". The signature is fluid and cursive, with the first name "Yvonne" being more prominent and the last name "Randall" following in a similar style. The signature is written over the word "Sincerely,".



## Loretta Ponton

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**From:** Angela Medina <sportslvr@icloud.com>  
**Sent:** Saturday, January 20, 2018 5:50 AM  
**To:** Loretta Ponton  
**Subject:** Re: Notice of Intent to Act Upon a Regulation

I do not agree with the need to take an exam every five years. That is what continuing ed is for. If a therapist is not skilled enough to perform their duties the employer should be aware and contact the Board as well as address the issue themselves.

Sent from my iPhone

On Jan 19, 2018, at 1:14 PM, Loretta Ponton <[board@nvot.org](mailto:board@nvot.org)> wrote:

### Notice of Intent to Act Upon a Regulation

Licensees and Interested Parties:

The Board will be conducting a Public Hearing on Saturday, **February 24, 2018 @ 10:00 a.m.** to receive comments from all interested parties regarding the adoption of regulations that pertain to LCB file No. R067-17, Chapter 640A of the Nevada Administrative Code.

The regulation can be found on our website under the Public Meetings/Workshops & Hearings tab. A direct link to the regulation is provided below.

<http://www.nvot.info/Publications/NoticeofPublicHearingR067-17.pdf>

Let us know if you have any questions,

Board of Occupational Therapy  
P.O. Box 34779  
Reno, NV 89533-4779

ADOPTED REVISIONS TO LCB FILE NO R067-17

Sec 9. 640A.041 is hereby amended to read as follows:

640A.041 In addition to the requirements set forth in NAC 640A.030, to be eligible to obtain ~~an active~~ *a standard* license, a person must:

2. Have achieved a passing score on *an examination provided by an agency approved by the Board;*~~and~~
- 3. Have achieved a passing score on the Nevada Occupational Therapy Jurisprudence Examination;*
- ~~3. 4.~~ Have current certification as an occupational therapist registered or certified occupational therapy assistant ~~H~~ *;* *and*
- ~~4.5.~~ *Be a citizen of the United States or otherwise have the legal right to work in the United States.*

Sec. 24. NAC 640A.260 is hereby amended to read as follows:

**REMOVE PARAGRAPHS 4 THROUGH 6**

~~4. An occupational therapist may be the primary supervisor of not more than three combined occupational therapy assistants or provisional licensees.~~

~~5. A treating occupational therapist may not have more than five combined occupational therapy assistants, provisional licensee students, aides or technicians under his or her supervision at any one time.~~

~~6. An occupational therapist may not supervise an occupational therapy assistant, provisional licensee, aide or technician who is the spouse or the parent or child, by blood, marriage or adoption, of the occupational therapist.~~

## CLERICAL CORRECTIONS (highlights and strike throughs)

**Sec. 18. NAC 640A.101 is hereby amended to read as follows:**

640A.101 1. The Board may waive all or part of the requirements for continuing education for a person who holds ~~an active~~ *a standard* license if the person:

**Sec. 20. NAC 640A.155 is hereby amended to read as follows:**

2. The Board will charge a fee for each check *or other method of payment* returned to the Board *or otherwise dishonored upon presentation for payment* because the person had insufficient money *or credit* with the drawee *or financial institution* to pay the check or